

ORDINANCE NO. 3070

190

AN ORDINANCE ANNEXING APPROXIMATELY 5.66 ACRES LOCATED NORTH OF YELLOWSTONE HIGHWAY AND WEST OF 15TH EAST TO THE CITY OF IDAHO FALLS; DESCRIBING SUCH LANDS; AMENDING THE CITY MAP; AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; ESTABLISHING A COMPREHENSIVE PLAN DESIGNATION, AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City upon compliance with procedures required in Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands where necessary; and

WHEREAS, the lands to be annexed are contiguous to the City and the City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

REC'D OCT 31 2016

1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;

2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and

3) Annexation of the lands described in Exhibit A are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the City Council that the lands described hereinbelow in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Commercial"; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, as follows:

SECTION 1. Annexation of Property. The lands described herein in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

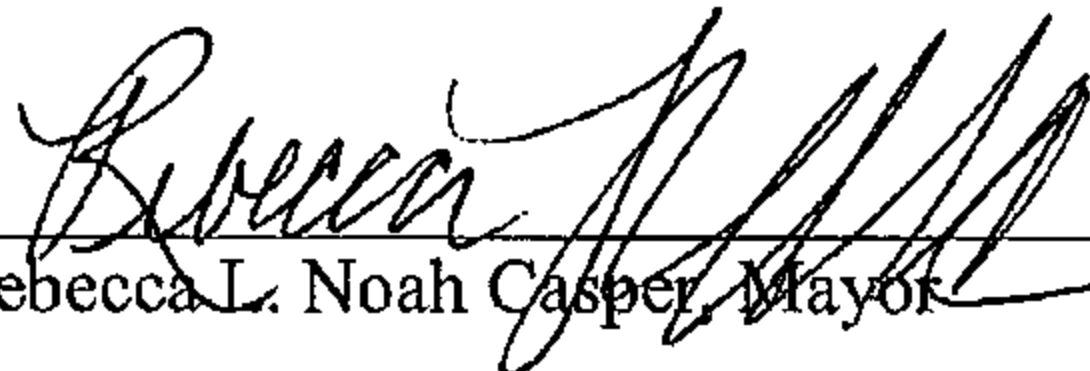
SECTION 3. Findings. That the findings contained in the recitals of this Ordinance be, and the same are hereby, adopted as the official City Council findings for this Ordinance, and that any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 9TH day of JUNE, 2016.


Rebecca L. Noah Casper, Mayor

ATTEST:


Kathy Hampton, City Clerk



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: ss.
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I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE ANNEXING APPROXIMATELY 5.66 ACRES LOCATED NORTH OF YELLOWSTONE HIGHWAY AND WEST OF 15TH EAST TO THE CITY OF IDAHO FALLS; DESCRIBING

SUCH LANDS; AMENDING THE CITY MAP; AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; ESTABLISHING A COMPREHENSIVE PLAN DESIGNATION, AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."



Kathy Hampton
Kathy Hampton, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Part of the NE 1/4 of the SE 1/4 and part of the SE 1/4 of the NE 1/4 of Section 8, Township 2 North, Range 38 East B.M., Bonneville County, Idaho described as:

Beginning at a point on the east-west centerline of said Section 8 that is N 89°23'18" W 892.83 feet along the east-west centerline from the East 1/4 corner of said Section 8 being N 00°16'30" E 2633.16 feet from the SE corner of Said Section 8 and running S 17°29'47" W 250.20 feet, (Instrument No.1307493 - S 17°29'34" W 250.23 feet) along the west line of Lot 1, Block 1 of Idaho Falls Trailer Sales; thence S 89°37'29" E 447.25 feet, (Instrument No.1307493 - S 89°37'29" E 447.14 feet) along said Lot 1, Block 1 boundary line; thence S 13°24'47" E 234.17 feet (Instrument No.1307493 - S 13°24'47" E 250.23 feet) along said Lot 1, Block 1 to the north line of North Yellowstone Highway to a point on a non-tangent curve; thence to the left along said curve 334.04 feet (Curve Data Delta = 1°39'41" Radius = 11519.20 feet) Chord Bears S 55°09'12" W 334.03 feet; thence N 36°27'55" W 400.09 feet; thence S 53°46'00" W 139.26 feet; thence N 24°00'53" W 493.35 feet; thence S 87°58'01" E 403.83 feet; thence S 17°25'11" W 16.32 feet to the Point of Beginning.

Parcel contains 5.661 acres more or less.

RECEIVED
APR 27 2016
CITY OF IDAHO FALLS

Submitted by:

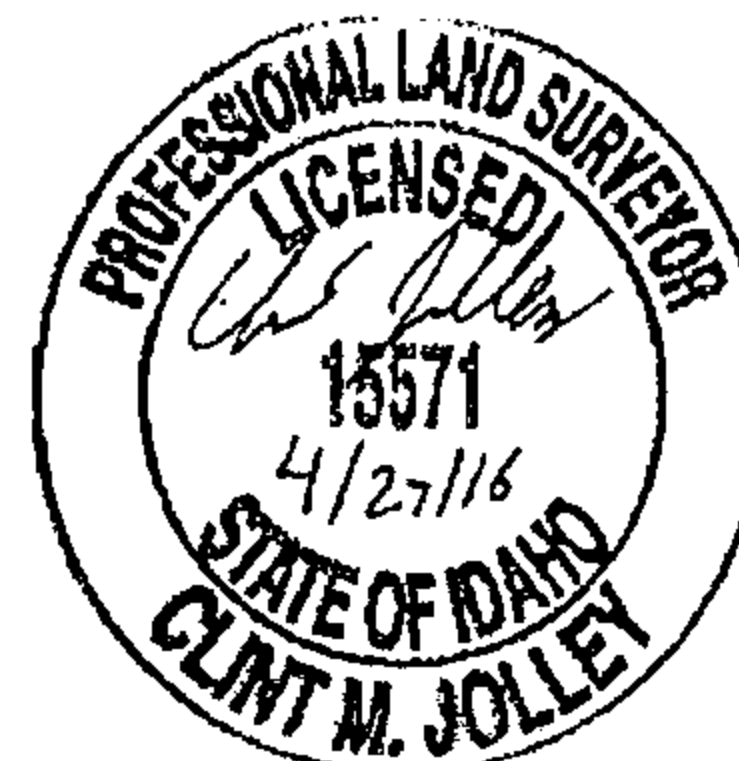
Eng/Survey Firm Name: HLE

Contact Name: Clint Jolley

Phone Number: 208-524-0212

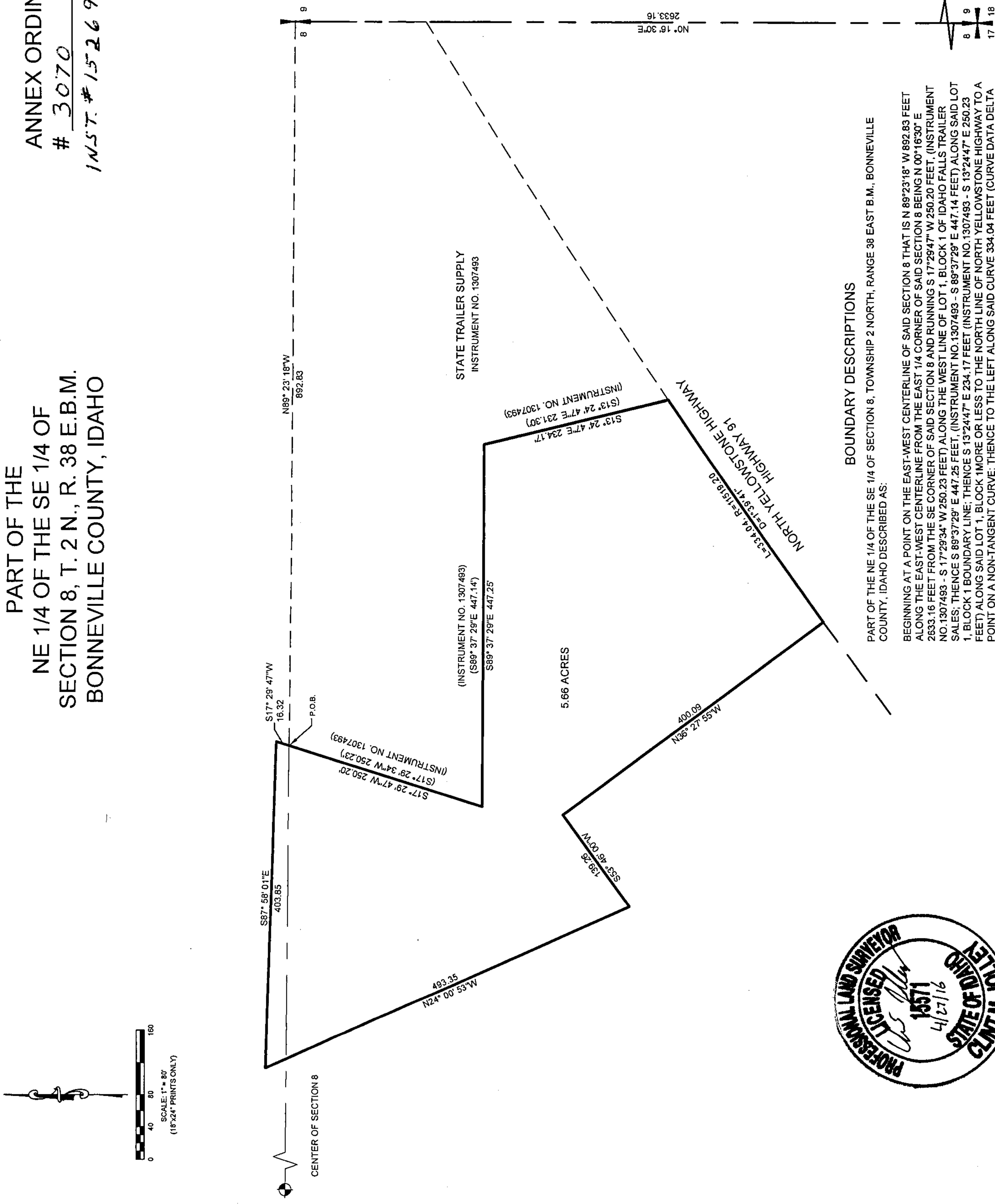
Email: clintj@hleinc.com

PLS Seal:



Page ____ of ____

ANNEX ORDINANCE
3070
INST. # 1526961



A circular professional seal for David M. Jolley, a Professional Land Surveyor in the State of Ohio. The seal contains the text "PROFESSIONAL LAND SURVEYOR" at the top, "STATE OF OHIO" at the bottom, and "DAVID M. JOLLEY" on the right. In the center, it displays the license number "15571" and the expiration date "4/27/16". A signature is written across the center of the seal.

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 8, TOWNSHIP 2 NORTH, RANGE 38 EAST B.M., BONNEVILLE COUNTY, IDAHO DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 8 THAT IS N 89°23'18" W 892.83 FEET ALONG THE EAST-WEST CENTERLINE FROM THE EAST 1/4 CORNER OF SAID SECTION 8 BEING N 00°16'30" E 2633.16 FEET FROM THE SE CORNER OF SAID SECTION 8 AND RUNNING S 17°29'47" W 250.20 FEET, (INSTRUMENT NO. 1307493 - S 17°29'34" W 250.23 FEET) ALONG THE WEST LINE OF LOT 1, BLOCK 1 OF IDAHO FALLS TRAILER SALES, THENCE S 89°37'29" E 447.25 FEET, (INSTRUMENT NO. 1307493 - S 89°37'29" E 447.14 FEET) ALONG SAID LOT 1, BLOCK 1 BOUNDARY LINE, THENCE S 13°24'47" E 234.17 FEET (INSTRUMENT NO. 1307493 - S 13°24'47" E 250.23 FEET) ALONG SAID LOT 1, BLOCK 1 MORE OR LESS TO THE NORTH LINE OF NORTH YELLOWSTONE HIGHWAY TO A POINT ON A NON-TANGENT CURVE, THENCE TO THE LEFT ALONG SAID CURVE 334.04 FEET (CURVE DATA DELTA = 1°39'41" RADIUS = 11519.20 FEET) CHORD BEARS S 55°09'12" W 334.03 FEET, THENCE N 36°27'55" W 400.09 FEET, THENCE S 53°46'00" W 139.26 FEET, THENCE N 24°00'53" W 493.35 FEET, THENCE S 87°58'01" E 403.83 FEET, THENCE S 17°25'11" W 16.32 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5.66 ACRES MORE OR LESS.

PART OF THE NE 1/4 OF
SEC. 8, T. 2 N., R. 38 E.B.M.
BONNEVILLE COUNTY, IDAHO

SHEET NO.

OF SHEETS

CIVIL & STRUCTURAL ENGINEERING, MATERIALS TESTING & LAND SURVEYING
WWW.HLEINC.COM
985 N. CAPITAL AVE. • IDAHO FALLS, IDAHO 83401 • OFFICE: 208.524.0212 • FAX: 208.524.0229

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| DRAWN BY | DESIGN BY | CHECK BY |
| TD | n/a | CMJ |

JOB NO: 2016-534

DATE: March 23, 2016

| REVISIONS | DATE |
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